

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California
www.spb.ca.gov

Public Session Location - Room 150
Closed Session Location - Room 141

MID-MONTH BOARD MEETING MINUTES

MARCH 20, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President
William Elkins, Vice President
Florence Bos, Member
Richard Carpenter, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. Arrangements have been made to tour Napa State Hospital. Following the tour the Board will conduct its regular meeting in Napa.
- B. State Personnel Board staff continues to meet with the Joint Labor Management committee to discuss implementation of the labor and management recommendations.
- C. A subcommittee of the Governor's Task Force on the Americans with Disabilities Act will examine training needs related to the employment of persons with a disability.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Litigation:

- A. Manriquez v. State Personnel Board - Oral argument has been scheduled for April 19, 2001.
- B. State Personnel Board v. DPA/IUOE - Superior Court granted Board's petition for alternative writ, but denied the request for a temporary stay. Case to be set for hearing on merits.
- C. IUOE v. Connell - Controller has filed a demurrer.

Other

- A. State Employee Mediation Program (SEMP) - Elise Rose and Matilda Bannerman-Richter, Manager (SEMP), met with managers of CSEA to discuss the SEMP and its benefits.
- B. Office of the Attorney General has invited Elise Rose to speak in May at a conference for the Deputy Attorneys General working in the Employment, Regulation and Administration in San Diego.

4. REPORT ON LEGISLATION - Judy Balmain

The Board took action on the following legislation:

- A. SB 1006 (Soto) - Would establish a program to reimburse new or incumbent state employees for college expenses. In exchange for reimbursement of college expenses, the new or incumbent state employee would agree to a predetermined minimum period of state employment. This program would only affect hard to fill classifications.
SUPPORT
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.
- B. SB 1116 (Polanco) - This bill will implement several of the recommendations in the Governors diversity task force report "report to the Governor on Outreach Options." - SUPPORT
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

BOARD ACTIONS

5. STATE PERSONNEL BOARD SUMMARY MINUTES OF MARCH 6, 2001

ACTION: Adopted on March 20, 2001.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

6. ADMINISTRATIVE LAW JUDGE CASES

On March 20, 2001, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

PROPOSED DECISIONS

NATHAN A. LOMELI, CASE NO. 00-3937

Appeal from dismissal

Correctional Officer

Correctional Training Facility-Soledad

Department of Corrections

ACTION: Dismissal revoked

GABRIEL P. ROSES, CASE NO. 99-3913

Appeal from dismissal

Motor Vehicle Field Representative

Department of Motor Vehicles

ACTION: Dismissal modified to a 6 months suspension

ESTHER H. TRULEY, CASE NO. 00-3284

Appeal from demotion

Correctional Lieutenant to

Correctional Officer

Ironwood State Prison

Department of Corrections

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself

ROBERT HAMMOND, CASE NO. 00-0287

Appeal from discrimination/retaliation complaint

Business Tax Representative

Board of Equalization at Norwalk and

Business Tax Compliance Specialist I

Board of Equalization at Riverside

ACTION: Discrimination/retaliation complaint denied

DANNY R. MORAGA, CASE NO. 00-1586
Appeal from three working days suspension
Fish and Game Warden
Department of Fish and Game
ACTION: Three working days suspension sustained

JEFFREY FOWLER, CASE NO. 99-4124
Appeal from dismissal
Correctional Officer
California State Prison-Sacramento
Department of Corrections
ACTION: Dismissal sustained

PETITIONS FOR REHEARING

STELLA OGBORO, CASE NO. 99-52 98P
Appeal from Rejection during Probationary Period
Licensed Vocational Nurse
Metropolitan State Hospital
Department of Mental Health
ACTION: Petition for rehearing filed by Appellant granted

RICHARD M. PHILLIPS, CASE NO. 99-2759P
Appeal from Demotion from the Position of
Driver Safety Officer to Licensing-Registration
Examiner
Department of Motor Vehicles
ACTION: Petition for rehearing filed by Appellant denied

JOE R. VILLEGAS, CASE NO. 00-1311P
Appeal from Dismissal
Correctional Officer
California State Prison-Corcoran
Department of Corrections
ACTION: Petition for rehearing filed by Appellant denied

7. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.
ACTION: See pages 11-14

8. WITHHOLD APPEALS

On March 20, 2001, the Board adopted the following cases presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

- A. RALPH AULCY, CASE NO. 00-1682
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED
- B. BRANDON MCINTIRE, CASE NO. 00-1070
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: DENIED
- C. PRISCILLA WILLIAMS, CASE NO. 00-2046
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED
- D. JENIFER SMITH, CASE NO. 00-3420
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: DENIED
- E. TONY A. BYRD, CASE NO. 00-3573
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

9. MEDICAL APPEALS

On March 20, 2001, the Board adopted the following cases presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

- A. AARON D. REICH, CASE NO. 00-2155
Classification: Cadet, California Highway Patrol
California Highway Patrol
ACTION: DENIED
- B. BECKY KATZ, CASE NO. 00-1887
Classification: Youth Correctional Counselor
Department of the Youth Authority
ACTION: DENIED

- C. BEVERLY WILLIAMS, CASE NO. 00-4109
Classification: Medical Tech Assistant
Department of Corrections
ACTION: DENIED
- D. JASON DE SANTIS, CASE NO. 00-4136
Classification: Cadet, California Highway Patrol
California Highway Patrol
ACTION: DENIED
- E. STERLING A. YATES, CASE NO. 00-3843
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

10. NON-HEARING CALENDAR

On March 20, 2001, the Board adopted items A & B. These items were presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

- A. CRIMINAL JUSTICE SPECIALIST II (SUPERVISORY)
CRIMINAL JUSTICE SPECIALIST III
STAFF SERVICES MANAGER I
STAFF SERVICES MANAGER II (MANAGERIAL)
The Office of Criminal Justice Planning proposes to abolish two department specific classes: Criminal Justice Specialist II (Supervisory) and Criminal Justice Specialist III; and to reallocate incumbents to the classes of Staff Services Manager I and Staff Services Manager II (Supervisory).
- B. LIBRARY PROGRAMS CONSULTANT
LIBRARY PROGRAMS ADMINISTRATOR
The California State Library proposes to revise the series specification for Library Programs Consultant and Library Programs Administrator classifications.

11. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

- A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

**** CORRECTIONS TO THE FEBRUARY 21, 2001 BOARD CALENDAR****

- (1) PENSION INVESTMENT OFFICER
The State **Treasurer's** Office proposes to allocate the above position to the CEA category. The proposed Pension Investment Officer reports to the State Treasurer when performing investment support duties, serves as a Trustee (voting board member) with fiduciary responsibilities on the California Public Retirement System and California State Teachers' Retirement System Boards. The department indicates that the position will be at the second organizational level and will report directly to the State Treasurer.
- (2) PENSION AND BENEFITS OFFICER
The State **Treasurer's** Office proposes to allocate the above position to the CEA category. The proposed Pension and Benefits Officer reports to the State Treasurer when serving as a Trustee and the Deputy Treasurer when performing pension and benefits related support duties, serves as a Trustee (voting board member with fiduciary responsibilities on the California Public Employees Retirement System, the California State Teachers' Retirement System, and the CA Earthquake Authority boards. The department indicates that the position will be at the second organizational level and will report directly to the State Treasurer.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
ESTABLISH NEW CEA POSITIONS

- (1) CHIEF DEPUTY DIRECTOR
DEPUTY DIRECTOR, LICENSING OVERSIGHT
CHIEF OF LEGISLATION
The California Gambling Control Commission's request to allocate the above positions to the CEA category has been approved effective February 16, 2001.

C. REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN
6/30/95 AND 1/1/99

- (1) CHIEF, HUMAN RESOURCES BRANCH
The Department of Motor Vehicles is requesting to
refill the above position.
- (2) CHIEF, AUDITS AND INFORMATION PROTECTION BRANCH
The Department of Motor Vehicles is requesting to
refill the above position.
- (3) BUSINESS PLANNING ADVISOR
The Department of Motor Vehicles is requesting to
refill the above position.
- (4) DEPUTY DIRECTOR, ADMINISTRATION
The California Science Center is requesting to
refill the above position.

D. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND
1/1/99

NONE PRESENTED

ACTION: Noted

ADJOURNMENT

SUBMITTED

1. DIANA HENNING, CASE NO. 98-4118/99-0772. Appeal from official reprimand/medical termination, demotion and transfer. Department of Corrections. (Oral argument held November 1, 2000).

NO ACTION

2. CARLA EGGMAN-GARRETT, CASE NO. 00-0008. Appeal from rejection during probationary period. Department of Corrections. (Oral argument held February 6, 2001).

NO ACTION

3. LAQUITA PETERSON, CASE NO. 99-5285. Appeal from demotion. Department of Corrections. (Oral argument held February 6, 2001).

NO ACTION

4. GABRIEL HERNANDEZ, CASE NO. 98-2868. Appeal from dismissal. Department of Mental Health. (Oral argument held February 6, 2001).

NO ACTION

5. ANA G. GOMEZ, CASE NO. 99-4831. Appeal from 10% salary reduction for six pay periods. Department of the Youth Authority. (Oral argument held March 6, 2001).

NO ACTION

6. RANDOLPH HARTHORN, CASE NO. 99-3175. Appeal from dismissal. Department of Developmental Services. (Oral argument held March 6, 2001).

NO ACTION

7. JILL MCNAMARA, CASE NO. 98-4252. Appeal from dismissal. California Highway Patrol. (Oral argument held March 6, 2001).

NO ACTION

8. ROMONDO SIZEMORE, CASE NO. 00-0418. Appeal from dismissal,
Department of Corrections. (Oral argument held March 6,
2001).
NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on March 20, 2001.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

CORRECTIONS

The following are corrections to the February 21, 2001 Summary Minutes and should have read as follows:

ADMINISTRATIVE LAW JUDGE CASE

HENRY A. MUMM, CASE NO. 00-2564
Appeal from five working days suspension
Senior Programmer Analyst (Specialist)
Department of Conservation
ACTION: Five working days suspension sustained

PETITIONS FOR REHEARING

JASON THOMAS, CASE NO. 99-3479
Appeal from dismissal
Correctional Officer
Department of Corrections
ACTION: Petition for rehearing filed by respondent denied

MISCELLANEOUS APPEALS DIVISION CASES

CLAUDIA CRAVENS, CASE NO. 00-2718
Classification: Youth Correctional Counselor
Department of the Youth Authority
ACTION: WITHDRAWN

MICHAEL R. HUMBLE, CASE NO. 00-0870
Classification: Correctional Officer
Department of Corrections
ACTION: WITHDRAWN

MEDICAL APPEALS

SHAUNA MARQUEZ, CASE NO. 00-1060P
Classification: Correctional Officer
State Personnel Board
ACTION: GRANTED RECONSIDERATION OF APPEAL

EXAMINATION APPEALS

JUHA S. AUVINEN, CASE NO. 00-2389
Classification: Supervising Fraud Investigator II
Department of Insurance
ACTION: WITHDRAWN